

III. REMARKS

1. Claims 3, 4 and 6 are amended. Claim 9 is cancelled. Claim 11 is new. Applicant appreciates the indication of allowable subject matter in claims 3 and 6-8.

2. Claims 1, 2, 5 and 10 are patentable under 35 U.S.C. 102(b) and 103(a) over Japanese Patent Publication 5-32231 ("Tetsuya"). Claim 1 recites a separator for separating envelope flaps from envelope bodies, of which an active zone of separation comprises a supple part. This feature is not disclosed or suggested in Tetsuya.

Tetsuya discloses a digital copier (2) (See Fig. 2, Para. 0012) having an envelope holding part (45). The envelope holding part (45) includes envelope guides (57, 58), a sensor (62) for envelope detection, a pair of rollers (59, 60) and a mylar opening member (61) (Fig. 1, Para. 0034-0038). In Tetsuya an open envelope is fed down the guides (57, 58) with the envelope flap (Pfc) in a trailing position and facing the upper roller (59). It is noted that the envelopes are loaded into the copier (2) in an "open" configuration in that the flap (Pfc) is not folded to block the envelope opening (Pon), thus there is no flap to separate from the envelope body (See Fig. 4). As the envelope passes through the rollers (59, 60) the elastic properties of the mylar opening member (61) hold the opening member against the envelope. The sensor (62) detects the presence of the envelope and stops the rollers as it passes through the rollers (59, 60) to stop the movement of the envelope before the flap (Pfc) of the envelope passes completely through the rollers (59, 60) (See Fig. 9). The direction of the rollers (59, 60) is then reversed so that the flap of the envelope is pinched and held by the rollers

(59, 60) and the mylar opening member (61) is slid into the envelope opening (Pon) (See Figs. 10-12; Para. 0038-0041).

There is simply no disclosure or suggestion in Tetsuya of a separator for separating envelope flaps from envelope bodies, of which an active zone of separation comprises a supple part as the envelope flap of Tetsuya is already open when fed through the copier.

Further, in order for the opening members (61) to open a closed envelope flap as called for in Applicant's claim 1, the envelope in Tetsuya would have to be fed with the flap (Pfc) in a leading position so that when the direction of the rollers (59, 60) are reversed the opening member (61) peels the envelope flap open. However, one would not be motivated to do this because the configuration of the copier (2) is not physically capable of inserting paper into the envelopes if the flap were in a leading position. If the envelopes were fed with the flap (Pfc) in the leading position the paper would not be inserted into the envelope, but rather as can be seen by the copier configuration in Figure 1 of Tetsuya, the paper would slide down between the side of the envelope and the opening member (61) past the envelope opening (Pon) (i.e. the paper feed direction and the envelope opening (Pon) would both be in the same direction making the insertion of the paper into the envelope impossible).

In addition, the separator recited in Applicant's claim 1 has an additional function of avoiding jamming or tearing of the envelope when the envelope is poorly closed (See paragraphs [000022] and [000023] of Applicant's specification and new claim 11). This feature is not disclosed or suggested in Tetsuya.

Thus, claim 1 is not anticipated by or obvious over Tatsuya and the rejection should be withdrawn. Claim 10 is patentable over Tatsuya for reasons substantially similar to those described above with respect to claim 1. Claims 2 and 5 are patentable at least by reason of their respective dependencies.

With respect to claim 5, Tatsuya does not disclose or suggest that a "supple part" of the opening members (61) "is detachable from a rigid part of the separator" as recited in claim 5. All that is disclosed in Tatsuya is that the opening member (61) is formed of a resin material in the shape of a thin film and that the upper part of the opening member (61) is fixed. There is no disclosure in Tatsuya that the opening member (61) can "accommodate" and be removed from "a rod" as suggested by the Examiner. Thus, claim 5 is patentable for this additional reason.

Furthermore, claim 10 recites that the "separator allows for moistening envelope flaps". This feature is not disclosed or suggested in Tatsuya. The opening members (61) in Tatsuya are only disclosed as being formed of a resin material. There is absolutely no disclosure whatsoever that the opening members (61) of Tatsuya moisten envelope flaps. Thus, claim 10 is patentable for this additional reason.

3. Claim 4 is patentable under 35 U.S.C. 103(a) over Tatsuya and U.S. Patent 5,021,279 ("Whitener") or U.S. Patent 5,922,591 ("Anderson"). For the reasons described above Tatsuya does not disclose or suggest all the features of claim 1. It is submitted that because Tatsuya does not disclose all the features of claim 1 that the combination of Tatsuya and either Whitener or Anderson cannot as well. Thus, claim 4 is patentable at least by reason of its dependency.

Further, it is submitted that Tetsuya and either Whitener or Anderson have been combined improperly. References may be combined under 35 U.S.C. 103(a) only if the references are analogous art. In this case Whitener and Anderson are not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's; or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant was concerned.

Neither Whitener nor Anderson are in the same field as the Applicant's. Whitener discloses an edge protection apparatus (i.e. edge molding) for protecting a surface of an object to which the molding is attached and nothing more (Abstract).

Anderson discloses a miniaturized integrated nucleic acid diagnostic device and system (Abstract).

The edge protection apparatus of Whitener and the nucleic acid diagnostic device and system of Anderson are clearly not the same fields of endeavor as Applicant's. Neither Whitener nor Anderson are concerned with separating flaps of envelopes as called for in Applicant's claims.

Moreover, Whitener and Anderson are not reasonably pertinent to the problem with which Applicant was concerned. Applicant was concerned with separating envelope flaps from envelope bodies. Again, Whitener is merely concerned with protecting a surface of an object to which an edge protection apparatus is attached while Anderson is concerned with a miniaturized integrated nucleic acid diagnostic device and system.

Since Whitener and Anderson are not in the same field of endeavor and are not reasonably pertinent to the particular problem with which Applicant was concerned, Whitener and Anderson are not analogous art. Therefore, Whitener or Anderson may not be properly combined with Tetsuya.

Moreover, there is no motivation to combine Tetsuya with Whitener or Anderson because Whitener and Anderson are not even remotely associated with separating envelope flaps from envelope bodies. Further, there is absolutely no disclosure of envelopes in either Whitener or Anderson.

Thus, claim 4 is not obvious over Tetsuya and either Whitener or Anderson for these additional reasons.

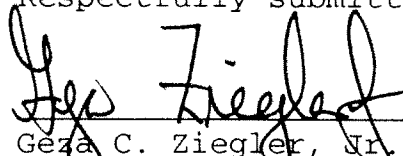
4. Claim 9 is cancelled to overcome the double patenting rejection.

5. Claims 3, 4 and 6 are amended to overcome the Examiner's objections.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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